



CITY OF ATLANTA

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MAYOR

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT

January 22, 2014

Agenda Item: Application for a Type III Certificate of Appropriateness (CA3-13-355) for a porch enclosure at **50 Spruce Street**- Property is zoned R-L-C-Conditional/ Inman Park Historic District (Subarea 1)/Beltline.

Applicant: Catherine Berger
50 Spruce Street

Facts: This single family dwelling was built in 1997 and is considered non-contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20L.005 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to all properties located within the Inman Park Historic District.

1. General Criteria.
 - a. Except as otherwise provided herein, the procedures for determining the appropriate type of Certificate of Appropriateness shall be those specified in Section 16-20.008 of the Zoning Code.
 - b. In the Inman Park Historic District, the Commission shall apply the standards referenced below only if the standards set forth elsewhere in this Chapter 20L do not specifically address the application including multifamily residential, institutional, commercial, industrial and mixed use structures in Subarea 1:
 - ii. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
 - vi. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, texture, and, where possible, materials.
 - ix. New additions, exterior alterations, or related new construction, shall not destroy historic materials, features, and spatial relationships that characterize the property. The new work may be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
 - d. *Compatibility Rule:* The intent of the Mayor and Council in establishing the regulations of the Inman Park Historic District is to ensure that alterations to existing structures, and new construction, in Subarea 1 and alterations to existing contributing structures in Subarea 2 and Subarea 3 are compatible with the historic design, scale, and general character of the entire district as it existed in 1945, of the contributing structures in each subarea, and of the contributing structures in the immediately adjacent environment of a particular block face, and further, to ensure that lot platting in Subarea 1 is compatible with the historic platting pattern of Subarea 1 and of a particular block face as it existed in 1945. To further that intent and simultaneously permit flexibility in design, the regulations provide a Compatibility Rule which is as follows: Where quantifiable (i.e. building height, setback, etc.), the element or building characteristic in question shall be no less than the smallest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings and shall be internally consistent with the historic design of the structure and shall be no greater than the

greatest such element or building characteristic of buildings or site layouts in that block face that characterizes such like contributing buildings or site layouts and shall be internally consistent with the historic design of the structure. Where not quantifiable (roof form, architectural trim, etc.) it shall be compatible with that which predominates in contributing structures on that block face and shall be internally consistent with the historic design of the structure.

2. *Certificates of Appropriateness.*

c. Type II Certificates of Appropriateness. Unless Certificates of Appropriateness are specifically exempted in the Subarea regulations, Type II Certificates of Appropriateness shall be required for any of the following to the extent they are visible from a public street or park: any minor alteration to any façade of any principal structure, fences, walls, accessory structures, and decks, and paving. If a Type II Certificate of Appropriateness is required and the proposed alteration meets the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall issue Type II Certificate within 14 days of the application. If a Type II Certificate of Appropriateness is required and the proposed alteration does not meet the requirements of Section 16-20L.006, Section 16-20L.007, or Section 16-20L.008, as applicable, the Director of the Commission shall deny the application with notice to the applicant within 14 days of the application. Appeals from any such decision of the Director regarding the approval and/or denial of Type II Certificates may be taken by any aggrieved person by filing an appeal in the manner prescribed in the appeals section of Chapter 16-20.008(a) for Type I Certificates.

Section 16-20L.006. Specific Regulations for Inman Park Core District, Subarea 1.

In the Inman Park Core District, Subarea 1, the Commission shall apply the standards referenced in Section 16-20L.005(1)(b) only if the standards set forth below in this Chapter 20L do not specifically address the application:

1. Design Standards and other criteria for construction of and for additions to one- and two-family residential structures.
 - a. No individual house design shall be substantially repeated on the same side of a street block.
 - e. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street, except in those blocks in which the historic pattern is such that houses are situated at an angle to the street, in which case the Compatibility Rule shall apply.
 - i. Front porches on principal structures shall be required. The Compatibility Rule shall apply to the design and size of said front porches, provided that such porches shall be a minimum of 12 feet wide or one-half of the width of the front façade, whichever is greater, and a minimum of 8 feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features compatible with porches in the existing block. Front porches may extend up to 10 feet into the required front yard. All front porch steps shall have closed risers and ends.
 - m. The Compatibility Rule shall apply to portions of retaining walls located in a required front yard or in a required yard adjacent to a public street that are visible from a public street or park. Such retaining walls shall be faced with stone, brick, or smooth stucco. The Compatibility Rule notwithstanding, no single section of such retaining wall shall exceed 4 feet in height.
 - n. The compatibility rule shall apply to the following aspects of fenestration, if visible from a public street or park upon completion:
 - i. The style of the individual window.
 - (1) Windows in the front façade shall be predominantly vertical in proportion.
 - (2) If muntins and/or mullions are used, such muntins and/or mullions shall be either true divided lights or simulated divided lights with muntins integral to the sash and permanently affixed to the exterior face of glass.
 - (3) Window and door casings widths and depths are subject to the Compatibility Rule.
 - ii. The size and shape of individual window openings.
 - iii. The overall pattern of fenestration as it relates to the building façade.
 - p. Wood lap siding, cementitious lap siding, brick, stone, external insulating finishing system ("EIFS"), and true stucco systems are permissible building materials for the façade of the principal structure. Corrugated metal, aluminum siding, and vinyl siding are not permitted.
 - q. The Compatibility Rule shall apply to building materials and design elements, if visible from a public street or park upon completion, and in addition to all other applicable regulations, as follows:
 - i. The dimensions of the exposed face of lap siding and wood shingles.
2. Minimum Yard Requirements. The following minimum yard requirements and maximum floor area ratio shall apply to all permitted uses of new construction and to additions to existing structures: Front, side, and rear setbacks shall be subject to the Compatibility Rule.
4. Principal uses and structures:
 - v. Floor area ratio shall not exceed 0.50.
 - a. Properties that have an underlying zoning designation of R-LC (Residential-Limited Commercial)

- District shall be used as is otherwise permitted pursuant to the provisions of Chapter 9 of this Part and shall comply with all applicable provisions of this Chapter 20L.
- b. Properties that have an underlying zoning designation of R-LC-C (Residential-Limited Commercial-Conditional) District shall be used as is otherwise permitted pursuant to the provisions of Chapter 9 of this Part and to the conditions imposed by the City Council and Mayor and with all applicable provisions of this Chapter 20L.

The existing Charleston style Adam house is defined by a narrow end that faces the street and a two-story side porch. The Applicant is proposing to enclose the upper porch in order to create more living space. Staff would note that this house is non-contributing and this particular house style is not consistent or compatible with any historic houses in the district. In general, Staff finds that enclosing a second story porch on the front façade, is not appropriate for the majority of the houses in this district.

Given that there are no similar historic houses in the district, Staff looked at historic examples outside the district. Staff found examples of similar porch enclosures on similar historic houses. The proposal includes the retention of the existing porch roof and columns, applied railings, numerous double hung windows and painted siding. Overall, Staff finds the proposed porch enclosure is appropriate for the Charleston style Adam House.

The material details of the windows and siding are not indicated on the plans. Staff recommends the plans indicate siding and window materials that meet the regulations. The railing detail is not clear. While Staff has no concerns regarding the removal of a non-historic railing, Staff recommends the Applicant provide information regarding the applied railing detail. Per regulations, the floor area ratio (FAR) cannot exceed .50. The plans do not indicate the FAR calculations. Staff recommends the Applicant provide documentation the FAR requirement has been met.

Staff Recommendation: Based upon the following:

- (a) The plans meet the regulations per Section 16-20L.005 and 16-20L.006, with the exceptions noted above;

Staff recommends approval of the Application for a Type III Certificate of Appropriateness (CA3-13-355) for a porch enclosure at **50 Spruce Street**- Property is zoned R-L-C-Conditional/ Inman Park Historic District (Subarea 1)/Beltline, with the following conditions:

1. The plans shall indicate siding and window materials that meet the regulations, per Section 16-20L.006(1)(n)(p) and (q);
2. The Applicant shall provide information regarding the applied railing detail;
3. The Applicant shall provide documentation the FAR requirement has been met, per Section 16-20L.006(4)(v); and
4. Staff shall review and if appropriate approve the final plans.



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Director, Office of Planning

STAFF REPORT January 22, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-337) alterations at **478 Peachtree Steet (aka 542 Linden Avenue) (W.W. Orr Building)** - Property is zoned SPI-1 (Subarea2)/LBS (Landmark Building/Site)/Beltline.

Applicant: Joe Cote
2151 Old Covington Highway

Facts: The W.W. Orr Doctors Building was designated as a Landmark Building in 1989.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) *When Required, Generally:* In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Code of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (1) *Landmark buildings and sites:*
 - (a) To change the exterior appearance of any Landmark Building or Site;

Section 16-20.009:

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, for purposes and objectives contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic regulations as are required in article D of chapter 4 or part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- 7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

The Applicant is proposing to replace the existing lintels for 22 windows. Specifically, the existing brick above the windows in question will be removed, the lintel will be removed and replaced with a stainless steel lintel and then the existing brick will be re-installed. Included in the submission is a report from an engineer that suggests replacement of the existing lintels and also included are highlighted elevations that indicate the location of the lintels in question. Staff would note that most of the lintels that are suggested for replacement are on or near the corners. This is consistent with higher incidence of damage to portions of buildings that have more exposure to the elements.

In general, Staff finds that usually lintels cannot be repaired. Based on the pictures and explanation provided by the Applicant, Staff agrees that the lintels require replacement. As the lintels are being replaced in-kind, Staff does not have concerns regarding the material of the new lintels. The main concern is the strength and color of the mortar that will be used when re-installing the brick. Staff recommends the color and strength of the mortar match the existing mortar.

SPI Review

In addition to being a Landmark Building, the W.W. Orr Building is also in a Special Public Interest District (SPI). It is possible the SPI review may necessitate changes to the project to meet the SPI regulations. Staff recommends any changes necessitated by the SPI review be reviewed and if appropriate, approved by Staff.

Staff Recommendation: Based upon the following:

- (1) The proposed project meets the regulations with the exception of the comments above, per Section 16-20.009(7);

Staff recommends approval of an application for a Type II Certificate of Appropriateness CA2-13-337) alterations at **478 Peachtree Street (aka 542 Linden Avenue) (W.W. Orr Building)** - Property is zoned SPI-1 (Subarea2)/LBS (Landmark Building/Site)/Beltline, with the following conditions:

1. The color and strength of the new mortar shall match the existing mortar, per Section 16-20.009(5); and
2. Any changes necessitated by the SPI review shall be reviewed and if appropriate, approved by Staff.



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STAFF REPORT January 22, 2014

Agenda Item: Application for a Type III Certificate of Compliance (CA3-13-339) for a new single family home at **1209 Druid Place**-Property is zoned SPI-7 (Subarea 2b).

Applicant: Adam Stillman
350 Sinclair Avenue

Facts: The lot in question is located on the south side of Druid Place, across the street from Freedom Park. As the property is located in Candler Park/SPI-7 (Subarea 2b), review by the Urban Design Commission is required.

Analysis: The following code sections apply to this application:

Per Section 16-18G.003 of the Atlanta Land Development Code, as amended:
Boundaries of the District and subarea established.

- (2) Subarea 2: This subarea is comprised of three separate areas, defined as those properties which have a front yard on the following streets:
- c. The north side of North Avenue.

Sec. 16-18G.006. Residential subareas 2 and 3: specific regulations.

Subareas 2 and 3 together are identified as the residential subareas. In addition to the general regulations and provisions of this chapter, the following specific regulations shall apply to the residential subareas:

- (1) The specific regulations for the residential subareas shall consist of section 16-18G.006 through section 16-18G.0013.
- (2) No building permit shall be issued by the bureau of buildings within the SPI-7 Candler Park District without the prior approval and issuance of a certificate of compliance from the Atlanta Urban Design Commission (AUDC). The purpose of this requirement is to assist the bureau of buildings with review of proposed permits for consistency with the requirements of sections 16-18G.006 through 16-18G.013 of this chapter. In addition to all materials otherwise required by the bureau of buildings, applications for building permits in these subareas shall include: a site plan at a minimum scale of one inch, equals 20 feet; typical building sections and exterior elevations at a minimum scale of one-fourth inch equals one foot; and outline specifications for all exterior building and landscaping materials. Larger scale drawings at appropriate scale shall be required of significant details when necessary for adequate review. Following transmittal of a complete application from the bureau of buildings to the AUDC, the AUDC shall review said application for consistency with the criteria and standards set forth in sections 16-18G.006 through 16-18G.013. The burden is on the applicant to demonstrate said consistency. If the application is consistent with said criteria and standards, it shall be approved and the AUDC shall issue a certificate of compliance certifying said compliance. The AUDC shall have the authority to impose conditions on said certificates as appropriate. If the application is not consistent with said criteria and standards, it shall be denied. Immediately following said action, the AUDC shall transmit the application together with its denial or approval to the bureau of buildings. The bureau of buildings shall

then review the application for compliance with all remaining applicable provisions of this chapter and other applicable ordinances. No building permit shall be issued for any application that has not received the required certificate of compliance. Appeals from the final decision of the director may be taken pursuant to the provisions of section 16-30.010 to the board of zoning adjustment.

- (5) The City of Atlanta Tree Ordinance shall apply.

Sec. 16-18G.007. Residential subareas 2 and 3: permitted principal uses and structures.

- (1) Subarea 2: A building or premise shall be used only for a single-family detached dwelling. In no case shall there be more than one main building and one main use on a lot.

Sec. 16-18G.008. Residential subareas 2 and 3: permitted accessory uses and structures.

Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures are permitted. These include but are not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this part:

- (1) Greenhouses, garden sheds, private garages, and similar structures.
- (2) When a private garage is part of a principal structure, the vehicular entry door shall not be located on the front facade of the main building, and all vehicular access to the garage shall be from the rear or side of the principal structure. Garages, when detached from the main residential structure, shall be located to the rear of the main structure within the buildable area of the lot and, on corner lots, shall be subject to side yard setbacks.

Sec. 16-18G.009. Residential subareas 2 and 3: minimum yard requirements; maximum floor area ratio.

The following yard requirements shall apply to all permitted uses. Distances shall be construed as minimum requirements except where otherwise specifically indicated:

- (1) Front yards:
 - b. Subarea 2B: 40 feet minimum, 45 feet maximum.
- (2) Side yards:
 - a. Subarea 2: 7 feet.
- (3) Rear yards: 7 feet. In Subarea 3 the rear yard shall be considered to be the yard adjacent to the adjoining single-family district.
- (5) Maximum floor area ratio: The residential, or dwelling, floor area ratio shall not exceed 0.50.
- (6) Minimum lot size:
 - a. Subarea 2: Every lot shall have a minimum area of 7500 square feet and a minimum frontage of 50 feet.

Sec. 16-18G.010. Residential subareas 2 and 3: minimum off-street parking requirements.

In addition to the provisions of section 16-28.008(7), which shall apply and are incorporated herein, the following parking requirements shall apply to all permitted uses.

- (1) There shall be a minimum of two spaces per dwelling unit.
- (2) No parking shall be permitted in a required front yard or half-depth front yard or between a primary residence and a street.

Sec. 16-18G.011. Residential subareas 2 and 3: architectural requirements.

In addition to the regulations and provisions of this chapter, and except as otherwise specifically provided herein, the following architectural regulations shall apply.

- (1) Definitions. For the purposes of interpreting this code section, the following definitions shall apply;
 - a. Neighborhood means the Candler Park Neighborhood as it exists on the official neighborhood map of the City of Atlanta.
 - b. Substantially proportional means that the element in question, such as roof pitch, scale, mass, or height, is sufficiently proportional to that found in the chosen architectural style to allow a trained observer to identify the new construction as originating from said architectural style.
 - c. Substantially characteristic means that the material in question, such as brickwork, stonework, or roofing material, reflects visual qualities that are sufficiently characteristic of those found in the chosen architectural style to allow a trained observer to confirm that the new construction is consistent with said architectural style.
- (2) Statement of intent. The council finds that the following established residential architectural styles currently exist in the neighborhood and contribute to its unique character: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. These residential structures generally exhibit the following significant characteristics: small rectangular shaped lots; houses which are generally situated near the front centers of these lots and stand back a uniform distance from the streets; and, due to the hilly topography, many houses with low retaining walls at the sidewalk and with steps which lead up from the sidewalk. The purpose of the following regulations is to set forth basic, minimum standards of architectural design and construction that are consistent with these existing historic styles of residences

within the neighborhood, as the cumulative historic diversity of the built environment is a defining characteristic of this neighborhood. It is not the intent of the regulations to limit the design of new housing to replication of existing structures, but rather to foster residential design that incorporates the historic architectural elements and materials that are specific to the neighborhood in a meaningful, coherent manner. The following regulations are intended to achieve basic compatibility with these existing architectural styles while simultaneously encouraging consistent, creative designs that are more than a mere aggregation of random historic elements, through the use of specific standards and criteria. In addition, these regulations are intended to integrate the aesthetic and physical characteristics of new construction and landscape in this area into the existing neighborhood and public park areas in a meaningful way so as to restore and promote the public health, safety and welfare of the community.

- (3) Standards and criteria. The following standards and criteria shall apply to all new construction in the residential subareas:
- a. All new construction on each vacant lot shall be representative of a single architectural style chosen from those styles set forth in subsection (2) above.
 - b. A paved walkway from the front sidewalk to the front entry of the principal structure shall be provided.
 - c. All front facades, front porches, front steps, and front doors of the principal structure shall face and be parallel to the street.
 - d. The form and pitch of the roof of new construction shall be substantially proportional to the chosen architectural style.
 - e. The height, scale and massing of new construction shall be substantially proportional to the chosen architectural style. In no case shall the height of a structure exceed 35 feet. (See section 16-28.022 for excluded portions of structures.)
 - f. The first floor of the principal structure shall be on foundations and elevated above grade a minimum of three entrance step risers, each of which shall be no less than seven inches in height.
 - g. Front porches on the principal structure shall be required. The design and size of said porch shall be substantially proportional to the chosen architectural style, provided that they shall be a minimum of 12 feet wide or one third the width of the front facade, whichever is greater, and a minimum of eight feet deep. Front porches shall contain roofs, balustrades, columns, steps, and other features typical of the chosen architectural style. Porches may be enclosed with screen wire or glass, provided that the main characteristics of the porch such as balustrades, columns or porch railings, and balusters are visible and maintained. Front porches may extend up to ten feet into the required front yard. All front porch steps shall have closed risers and ends.
 - h. Decks shall be located to the rear of a principal structure and shall not be visible from the public right-of-way.
 - i. When any portion of a chimney is visible as a facade element, the chimney shall originate at grade, and shall be faced with either brick or stone masonry.
 - j. Fences and walls, visible from the public right-of-way upon completion, subject to the provisions of section 16-28.008(5) and the following limitations, may occupy required yards:
 1. Fences and walls not exceeding six feet in height may be erected in side or rear yards.
 2. All fences located in a required front yard or in a required yard adjacent to a street shall be constructed of brick, stone, ornamental iron, or wood pickets, in a manner which is substantially characteristic of the chosen architectural style.
 3. Visible portions of retaining walls located in a required front yard or in a required yard adjacent to the street shall be constructed of stone, brick or smooth stucco in a manner which is substantially characteristic of the chosen architectural style.
 4. If more than one retaining wall is otherwise authorized in the front yard setback, the combined height of said retaining walls should not exceed four feet.
 - k. The following aspects of fenestration, if visible from the public right-of-way upon completion, shall be substantially proportional to the chosen architectural style:
 1. The style of the individual window.
 2. The size and shape of the individual window opening.
 3. The overall pattern of fenestration as it relates to the building facade.
 4. Generally, fenestration shall be double hung.
 - l. Mechanical equipment shall be located to the side and rear of the principal structure and where possible, in the least visible location. Screening with appropriate plant or fence materials is required if the equipment is visible from the public right-of-way.
 - m. The following building materials and design elements of new construction, if visible from the public right-of-way upon completion, shall be substantially characteristic of the chosen architectural style, and shall apply in addition to all other applicable regulations:
 1. The dimensions of the exposed face of lap siding and wood shingles.
 2. The type of brick and pattern of brickwork.
 3. The type of stone and pattern of stone work.
 4. The material and texture of stucco.

5. The dimensions and placing of architectural ornamentation and trim. This is not intended to require the exact reproduction of existing molding profiles.
 6. The size and type of doors.
 7. The materials and pattern of roofing.
 8. Visible foundation materials. Foundations shall constitute a distinct building element and shall contrast with the primary facade siding material.
 9. Visible portions of chimneys.
 10. Front porches, including materials, features, and steps.
- n. Roof-top equipment such as attic ventilators, and HVAC vents, skylights, solar panels, communication equipment, air conditioner units, or any service or utilities equipment, when otherwise permitted and authorized by this Part 16, shall not be visible from any public right-of-way, provided that ridge vents may be visible from the right-of-way.
 - o. Service and utilities equipment including gas, water, electricity, telephone, furnaces, and air conditioning units, when otherwise permitted and authorized by this Part 16, shall not be located in a front yard or a half-depth front yard.
 - p. Satellite receiving-only dish antennas shall not be authorized other than by special exception by the board of zoning adjustment pursuant to Section 16-28.008 (11).
 - q. Exterior lighting systems shall be designed and installed so as to be directed towards the lot on which it is located and so that no direct light is cast upon adjoining property.
 - r. Grading shall not excessively or unnecessarily alter the existing topography of the site. New grades shall meet existing topography in a smooth transition. Erosion shall be prevented and runoff kept to a minimum.
 - s. Every effort shall be made to preserve existing trees. A certificate of compliance shall be required for the removal of any tree with a caliper at breast height of 12 inches or greater. Trees so removed shall be replaced with trees approved by the city arborist. Before any site preparation work shall begin, a tree plan shall be approved by the city arborist. This plan shall include:
 1. Location of all existing trees with type and caliper indicated;
 2. Location of all existing trees to be saved indicated;
 3. Location of all proposed trees located with type and caliper indicated.

Sec. 16-18G.012. Subarea 2: additional regulations.

In addition to the architectural requirements in section 16-18G.011 above, all new construction in Subarea 2 shall comply with the following requirements:

- (1) No individual house design shall be substantially repeated on the same side of a street block.
- (2) A planting strip shall be provided adjacent and parallel to the street two feet in width, or in conformity with the width of the existing or pre-existing strip, whichever is greater, and shall remain unpaved.
- (3) A sidewalk not less than five feet in width shall be provided between the planting strip and the required front yard, parallel to the street. Sidewalks shall be paved with a hexagonal paver or stamped with a hexagonal design of a size consistent with the historic sidewalk paving pattern.
- (4) Fences not exceeding four feet in height may be erected in the front yard. Walls, other than necessary retaining walls, shall not be erected in the front yard.
- (5) Driveways within the front yard or half-depth front yard shall be a maximum of ten feet in width.
- (6) Zero lot line development is prohibited.

Site Plan Analysis

The site plan indicates the lot in question fronts 52.50' on Druid Place and has a depth of 156'. Staff finds the City records and the lot dimensions submitted by the Applicant do not match. Staff would note that a building permit will not be issued until the lot discrepancy is resolved. As such, Staff suggests the Applicant work with the Office of Planning subdivision Staff to resolve the lot dimension discrepancy.

Per regulations, the front yard setback shall range from 40' to 45'. Staff would note that the front porch can encroach into the setback up to 10'. The proposed front yard setback is 33.6' and the porch depth is 10'. Staff finds the front yard setback requirement has been met. Per regulations, the side and rear yard setback shall be no less than 7'. Staff finds the side and rear yard setback requirement has been met. Per regulations, the maximum FAR (floor area ratio) allowed is .50. The proposed FAR is

indicated as .47 and therefore meets the requirements. Staff would note that there are not lot coverage requirements in this subarea.

Per regulations, two off-street parking spaces are required. Staff finds required parking spaces are provided in the garage that is accessed by a driveway with a width that meets the regulations. The material of the driveway is not indicated. Staff recommends the plans indicate a driveway material that meets the regulations. There is a 5' sidewalk indicated on the site plan. It is not clear whether this is an existing or proposed condition. Per regulations, a 5' wide sidewalk of hexagonal pavers or stamped hexagonal pattern and a 2' wide planting strip is required. Given that the construction activity usually destroys the existing sidewalks, Staff recommends that a new sidewalk that is 5' wide that consists of hexagonal pavers or stamped hexagonal pattern be installed and that the 2' wide planting strip is maintained.

The front façade, front porch, stairs and front door are parallel to the street as required by the regulations. As required by the regulations, there are more than three entrance risers that are no less than 7" in height with closed risers and ends. As required by the regulations, a walkway from the entryway to the sidewalk is provided. The material of the walkway is not indicated on the plans. Staff recommends the plans indicate an appropriate walkway material that meets the requirements.

There are no fences or retaining walls indicated on the plans. Staff recommends the Applicant clarify whether there are any fences or retaining walls are proposed. Staff recommends any proposed fences or retaining walls meet the regulations. No mechanical equipment is shown on the site plan. Any mechanical equipment has to be located to the side or rear of the house and appropriately screened. If the mechanical equipment will be over 30 inches high, it must be located within the buildable area of the lot. Staff recommends the Applicant clarify whether there will be any mechanical equipment on the site. Staff recommends any mechanical equipment on the site meet the setback and screening requirements.

Based on a review of the existing and topographic lines on the site plan, the Staff has concluded that the grading required for this proposal will not excessively alter the topography of the site. In addition, it appears there are no trees on the lot, therefore Staff has no concerns regarding retention of trees.

Architectural Analysis

In the District, a specific style allowed by the regulations has to be selected for a new house. The following residential architectural styles are allowed: Late Victorian; Transitional style of bungalow between late Victorian and Craftsman; Bungalows with Greek Revival, Tudor or Craftsman detailing; American Four Square; and Queen Anne. According to the Applicant, the proposed house is an American Foursquare. To assist in its assessment, the Staff consulted A Field Guide to American Houses, by Virginia and Lee McAlester, for definitions and specifications for the American Foursquare house.

The proposed house is defined by a side gabled roof, a full width porch with a hipped roof and a $\frac{3}{4}$ width second floor porch with a gabled roof. In general, Staff finds the overall design, materials and architectural details are appropriate and consistent with the style. Staff does have two principal concerns. American Foursquare houses are generally defined by the hipped roof form. Staff finds the side gabled roof form is not appropriate. Staff recommends the plans indicate a hipped roof for the main roof form or the Applicant shall provide documentation the side gabled roof form is appropriate.

American Foursquare houses are usually two stories in height and are two rooms wide and two rooms deep. In looking at the proposed house, Staff finds the overall massing and scale appears too large. In

order to accommodate the desired living space, Staff finds the house design could be altered to have an American Foursquare house with an addition. The addition would need to be inset and clearly delineated on both elevations. Staff recommends the proposed design be altered to reduce the overall scale and massing.

Staff Recommendation: Based upon the following:

1) The plans meet the regulations with the exception of the comments noted above, per Section 16-18G.006;

Staff recommends approval of the application for a Type III Certificate of Compliance (CA3-13-339) for a new single family home at **1209 Druid Place**-Property is zoned SPI-7 (Subarea 2b), with the following conditions:

1. The plans shall indicate a driveway material that that meets the regulations, per Section 16-18G.011(3)(b);
2. The plans shall indicate new sidewalk that is 5' wide, consists of hexagonal pavers or stamped hexagonal pattern and a 2' wide planting strip is maintained, per Section 16-18G.012(2) and (3);
3. The plans shall indicate an appropriate walkway material that meets the requirements, per Section 16-18G.011(3)(b);
4. Any proposed fences or retaining walls shall meet the regulations, per Section 16-18G.011(3)(j) and 18G.012(4);
5. The Applicant shall clarify whether there will be any mechanical equipment on the site, per Section 16-18G.011(3)(l), (n), and (o);
6. Any mechanical equipment on the site shall meet the setback and screening requirements, per Section 16-18G.011(3)(l), (n), and (o);
7. The main roof form shall be hipped, per Section 16-18G.011(3)(d);
8. The design shall be altered to reduce the overall massing and scale, per Section 16-18G.011(3)(e); and
9. Staff shall review and if appropriate, approve the final plans.



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Director, Office of Planning

STAFF REPORT January 22, 2014

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-345) for additions and (CA3-13-346) for a variance to reduce the south side yard setback from 25' (required) to 21' (proposed) at **848 Springdale Road**– Property is zoned Druid Hills Historic District.

Applicant: Frank Smith
848 Springdale Road

Facts: According to the architectural survey in 2002, this dwelling built in 1917 is contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark buildings and sites:

(b) To change the exterior appearance of any structure within any Landmark District;

Per Section 16-20B.003 of the Atlanta Land Development Code, as amended:

The following general regulations shall apply to the entire district which includes both (1) the Ponce de Leon Corridor; (2) Fairview Road; and (3) Springdale/Oakdale/Lullwater.. Any proposed development shall require a certificate of appropriateness from the urban design commission and shall conform to the following regulations:

- (5) *Minimum architectural controls:* Any construction in the Druid Hills District shall maintain the general architectural scale and character reflected in the original development of Druid Hills in order to preserve the historic character of the district.

Exterior architectural changes shall follow the standards set forth by the secretary of the interior. The secretary of the interior's standards for historic preservation projects are designed to assist individual property owners formulate plans for the development and continued use of historic properties. Separate guidelines are given for each of seven (7) treatments. (Refer to the Secretary of the Interior's Standards of Historic Preservation Projects.)

The Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995, Standards for Rehabilitation

REHABILITATION IS DEFINED AS the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

Sec. 16-20B.006. Springdale/Oakdale/Lullwater

The following regulations shall apply to any proposed development on any property located on Springdale Road, Oakdale Road, Lullwater Road or Lullwater Parkway:

- (1) *Permitted principal uses and structures:*
 - a. Single-family dwellings.
 - b. Parks, playgrounds and community buildings owned and operated by a governmental agency.
- (2) *Permitted accessory uses and structures:* Uses and structures which are customarily incidental and subordinate to permitted principal uses and structures, including but not limited to the following, subject to limitations and requirements set forth herein or elsewhere in this chapter:
 - a. Greenhouse, fallout shelter, garden shed, private garage, storage room.
 - b. Guest house, servants quarters, dwelling or lodging facilities for caretaker or watchman.
 - c. Swimming pool and accessory buildings, tennis courts and the like not less than 25 feet from side or rear lot line.
 - d. Home occupations.
- (3) *Minimum lot requirements:*
 - a. *Lot width:* Each lot shall have a minimum lot width of 100 feet.
 - b. *Lot area:* Each lot shall contain a minimum lot area of 38,000 square feet.
- (4) *Lot coverage:* Lot coverage for all structures, parking and driveways shall not exceed 35 percent of the lot area.
- (5) *Minimum yard requirements:*
 - a. *Setbacks:*
 1. West side of Springdale Road, Ponce de Leon Avenue to city limit:
Front yard: 120 feet.
Side yards: 25 feet.
Rear yard: 50 feet.

Variance Request

The following is the variance justification submitted by the Applicant and the response by Staff:

1. What are the extraordinary and exceptional conditions pertaining to the particular piece of property in question (size, shape or topography)?

The setbacks for the historic properties on Springdale Road are proportionately very large. For example, our lot width is 100 ft wide and the side yard setbacks are 25 ft. Therefore, most of the Historic houses on Springdale Road were built over today's setbacks. We understand and appreciate the efforts of the UDC to regulate all sides of these Historic houses.

Staff Response

Staff agrees that the existing house does not meet the setback requirement. As such, any addition that has the same setback as the house would require a variance. In looking at the site plan and pictures submitted by the Applicant, there is a rear projection that would make it difficult to move the addition 4' to meet the setback requirement.

2. How would the application of the Zoning Ordinance of the City of Atlanta to this particular piece of property create an unnecessary hardship?

The functional layout of the kitchen floorplan necessitates converting the space which is now the Back Porch into usable space in order to provide a countertop and work triangle in the kitchen. As stated above, our desire is to protect the integrity of this Historic structure as much as possible. If the 25 ft side yard setback is enforced, then we would need to plan for a much larger addition on back to include an all new Kitchen as well as a Keeping Room, which is contrary to our wishes.

Staff Response

Staff finds the massing and location of the proposed addition is appropriate. Staff finds that making the Applicant build a larger addition to meet the setback requirement is a hardship.

3. What conditions are peculiar to this particular piece of property?

Our Historic house was originally built approx. 20.6 ft from the south side yard setback, and 19.5 ft from the north side yard setback. (Per survey dated 12/26/13). This allowed for a driveway, drop off, and landscaping to the south side. Today's Historic zoning has much larger setbacks at 25 ft. The most feasible place to locate the small addition is adjacent to the original kitchen location. Likewise, the most feasible and lowest impact location for the remodeled Kitchen is in it's original location, which necessitates converting the Back Porch to usable kitchen space.

Staff Response

Staff agrees that the proposed addition location is appropriate.

4. Submit facts to show that relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Our neighborhood was laid out in the 1910's. Most homes on our street are built over today's setback, so this layout would be in keeping with the original historic planning of the neighborhood.

Our intention is to construct an historically aesthetic and small-scale addition which has been carefully designed to complement our Historic home. The design of the proposed new addition will show a hierarchy of detail so that it will be obvious what was original and what has been added. In addition, the architects have located the addition where it cannot be seen from the street. Where the Back Porch will be closed, the existing stucco arch will be preserved and a custom arched wood door will be fitted behind the arch so that the Historic character is preserved.

Granting of the variance is in the public interest, the interests of the neighbors, and would not impair the purposes and intent of the zoning ordinance. Our proposed project will have minimal impact while bringing much needed updates to the Historic structure.

Staff Response

Staff finds that approving the variance request will not cause a substantial detriment to the public good or impair the purpose or intent of the Zoning Ordinance.

5. State whether the property described in this application forms any part of the subject matter of a pending application or ordinance for a zoning change or Special Use Permit.

No.

Site

In looking at the City Cadastral map, Staff finds there is a slight discrepancy between the City records and the survey submitted. As a building permit will not be issued until all lot discrepancies are resolved, Staff suggests the Applicant work with the Office of Planning Subdivision Staff to resolve any lot discrepancies.

Per regulations, the side yard setback shall be no less than 25'. The proposed side yard setbacks are less than 25' and therefore do not meet the requirements. As mentioned in the variance section, Staff supports the proposed variance. As such, Staff has no concerns regarding the proposed side yard setbacks. Per regulations, the rear yard setback shall be no less than 50'. The proposed rear yard setback is more than 50' and therefore meets the rear yard setback requirement.

Per regulations, lot coverage can be no more than 35%. The proposed lot coverage is not indicated on the plans. While Staff finds it likely the project meets the lot coverage requirement, Staff recommends the proposed lot coverage is indicated on the plans. Staff would note that FAR is not reviewed in this subarea.

The Commission reviews alterations to any structure within the district, whether or not said alterations can be seen from the public right-of-way

Alterations and Additions

The Applicant is proposing to enclose an existing side porch as part of a kitchen renovation. The exterior enclosure of the porch involves the installation of a new wood door in an existing open arched entrance. Staff finds the inset wood door is appropriate and a much better solution than permanently

filling in the entrance with stucco. The proposed door keeps the original arched opening and allows the option of re-opening the entrance and side porch in the future.

The Applicant is proposing a rear addition. In general, Staff finds the massing, location, design and materials of the addition is consistent and compatible with the existing house. Staff finds the window design and columns will help clearly delineate it from the existing historic house. As the addition is slightly inset, Staff finds the addition will be hard to see from the street and therefore have no impact on the existing streetscape. Staff has no concerns regarding the proposed addition.

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.006.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-345) for additions at **848 Springdale Road**– Property is zoned Druid Hills Historic District, with the following condition:

1. The lot coverage shall be indicated on the plans, per Section 16-20B.006(4).

Staff Recommendation: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20B.006.

Staff recommends approval of the Application for Type III Certificate of Appropriateness (CA3-13-346) for a variance to reduce the south side yard setback from 25' (required) to 21' (proposed) at **848 Springdale Road**– Property is zoned Druid Hills Historic District.



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Director, Office of Planning

STAFF REPORT January 22, 2014

Agenda Item: Application for a Type II Certificate of Appropriateness (CA2-13-342) for a fence at 90 Randolph Street- Property is zoned Martin L. King District (Subarea 2) Beltline.

Applicant: Ashley Sanchez
90 Randolph Street

Facts: According to the District inventory, the original building was demolished. The existing single family dwelling is non-contributing.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

(a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:

(3) Landmark Districts:

b. To erect any new structure or to make an addition to any structure within a Landmark District.

Sec. 16-20.009. Same; further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

(6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

(1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.

(2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.

(3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

Per Section 16-20C.005 – Residential District Sub-area 2:

c. Fences and walls: Walls other than retaining walls shall not be allowed in the front yard of any structure, and fencing shall be permitted only to a height of four (4) feet. All fencing and walls shall require a certificate of appropriateness by the AUDC and shall conform to the provisions for walls and fences in chapter 28 of this part (section 16-28.008 for (R-G) districts).

The Applicant is proposing to install a 5' tall aluminum gate and fence on the north side of the property. Staff finds the overall material, design and location of the proposed fence and gate is appropriate. The Applicant is proposing to install a 6' tall wood gate on the south side of the property and a 6' tall wood fence on the west side of the property. Staff finds the overall design, material and location of the proposed wood fence and gate is appropriate. Staff has no concerns regarding the proposed project.

Staff Recommendations: Based upon the following:

The plans meet the regulations per Section 16-20C.003, with the exception of the comments made above;

Staff recommends approval of the Application for a Type II Certificate of Appropriateness (CA2-13-342) for a fence at **90 Randolph Street**- Property is zoned Martin L. King District (Subarea 2) Beltline.



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STAFF REPORT January 22, 2014

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-348) for a variance to reduce the right side yard setback from 7' (required) to 3' (proposed) and reduce the Airline Street setback from 7' (required) to 1.5' (proposed) and (CA3-13-347) for a new single family house at **619 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, generally triangular shaped lot that is located at the southeast corner of Auburn Avenue and Airline Street. This is the last property on Auburn Avenue in the District. Across Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. To the west is a modern / contemporary house recently finished and next to that is the only contributing house on the block face.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark Districts:
 - b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

- (1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.
- (3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.
- (4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall

including any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.

- (5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."
- (8) Secretary's guidelines: In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
- (11) Off-street parking:
 - a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
 - b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) Permitted principal uses:

- a. Single-family dwellings.

(3) Development controls:

- a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.
- b. Maximum height: The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.

- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce the right side yard setback from 7' (required) to 3' (proposed) and reduce the Airline Street setback from 7' (required) to 1.5' (proposed). In looking at the site plan, the rear yard (which is measured off of the "leg" of the triangle that projects to the south) meets the District regulations.

The Staff would concur with the Applicant's variance argument. While there are certainly numerous corner lots in the District, there are few if any corner lots with such an acute angle to them. Further, if the right side yard setback was kept at the required 7', the house would become too thin for the size of lot it is located. That is, larger and wider homes are generally located on wider, larger lots and smaller homes are located on thinner, smaller lots. The Staff would also note that the Airline Street setback, as mentioned by the Applicant, is only for two corners of the house, while the majority of the house is outside the 7' required setback.

The Staff would recommend approval of the side yard and Airline Street setback requests.

Compatibility Rule Comparisons

The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Further, the Applicant makes reference to those house's height as "in excess of 40'", but this measurement was estimated from the finish grade of the sidewalk, not from the finish grade adjacent to the house. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

Site

The lot in question fronts 68.18' on Auburn Avenue and 96.3' on Airline Street. On the longest side of the triangle (the right side property line) the lot is 60' deep. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed

house has an inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'

The proposed driveway / parking pad is located at the tip of the triangle to the side of the house. The parking pad itself is past the corner of the house closest to Airline Street, making the parking pad beyond the Airline Street façade of the house. The Staff would recommend that the parking pad extend up to the rear façade of the house to make the most room available for parking. Further, if the Applicant decides to move the house forward to meet the front yard setback requirement, the parking pad should continue to be up to the rear façade of the house.

There is not a walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extend from the front porch stairs to the public sidewalk.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

There are no fences or walls proposed for the property.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is significantly more than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

Overall Design and Massing

As noted above, the block features one contributing house, which is a one-story, hipped roof bungalow with a full width front porch. The proposed two-story house has a hipped roof central form with large front and side facing gables (which create somewhat of a "gabled ell" form), with an inset front porch and a small second level porch / balcony in the elbow of the ell. In addition to the non-compliant height noted above, the Staff finds that architecturally the proposed house has little in common with the house at 603 Auburn Avenue. Further, there are few contributing houses in the District with gabled-ell forms, inset or multi-depth porches, or steeply pitched gable / hipped combination roofs. While the Staff concurs that having somewhat of a gabled ell form is appropriate for the triangular-shaped, corner lot, the Staff is concerned that the front facing gable, lack of full width front porch, and second floor porch / balcony are significant deviations from 603 Auburn Avenue. The Staff would recommend the design be revised to be consistent and compatible with the contributing house on the block taking into account a gable ell house form.

Architectural Elements

In looking at the doors, windows, siding, trim and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of trim between the paired windows. The Staff would recommend that trim be installed between the paired windows at least equal in width to the side window trim.

Further, the Staff is concerned about the half-round vent in the front gable, which the Staff finds is not commonly found in the District and not compatible with the architectural style of the house. The Staff would recommend the gable vent be rectangular in proportion and vertically oriented.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, smooth face cementitious siding and a brick chimney (above the roof line) are compatible with the District. However, it is not clear the material of the porch columns, front door, and front porch floor. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

CA3-13-348

Staff Recommendations: Based upon the following:

- a) The variance request meets the requirements, per Section 16-20C.003, .004. and .005;

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-13-348) for a variance to reduce the right side yard setback from 7' (required) to 3' (proposed) and reduce the Airline Street setback from 7' (required) to 1.5' (proposed) at **619 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

CA3-13-347

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends deferral of an application for a Type III Certificates of Appropriateness (CA3-13-347) for a new single family house at **619 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline to allow time for the Applicant to address the following concerns:

1. The front yard setback of the house shall be 2.7', per Section 16-20C.005(3)(a);
2. The parking pad shall extend up to the rear façade of the house to make the most room available for parking, per Section 16-20C.003(11);
3. A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.009(6);
4. The height of the house shall be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations, per Section 16-20C.005(3)(b);
5. The design shall be revised to be consistent and compatible with the contributing house on the block taking into account a gable ell house form, per Section 16-20.009(6);
6. Trim shall be installed between the paired windows at least equal in width to the side window trim, per Section 16-20.009(6);
7. The gable vent shall be rectangular in proportion and vertically oriented, per Section 16-20.009(6);
8. The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20.009(6); and
9. Unless the Applicant pursues the variance option outlined in Condition #4 which has its own submission deadline associated with it, the Applicant shall provide to the Staff revised plans and supporting documentation at least eight (8) days prior the Commission meeting to which this application is deferred.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 22, 2014

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce the rear yard setback from 10' (required) to 7' (proposed) and (CA3-13-349) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, somewhat rectangular lot that is located on the west side of Airline Street, just south of the corner with Auburn Avenue. This is one of the last properties in the east side of the District. Along the northern side of Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. Immediately to the north along the south side of Auburn Avenue is a modern / contemporary house recently finished and next to that is the only contributing house on the Auburn Avenue south block face.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark Districts:
 - b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

- (1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.
- (3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

- (4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
- (5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."
- (8) Secretary's guidelines: In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
- (11) Off-street parking:
 - a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
 - b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) Permitted principal uses:

- a. Single-family dwellings.

(3) Development controls:

- a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.
- b. Maximum height: The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce the rear yard setback from 10' (required) to 7' (proposed).

The Staff does not concur with the Applicant's variance argument. While there are certainly lots in the District that are similar in size, if the rear yard setback were kept at the required 10', only a small portion of the house would be effected. Given that there is some room along the south side of the house for some additional square footage, almost the same size house could be built without needing a variance.

The Staff would recommend denial of the rear yard setback request.

Compatibility Rule Comparisons

The block face of Airline Street where the proposed house would be located does not have any existing contributing houses on it. As such, the Applicant is permitted to choose another block face for their point of comparison. The Applicant has chosen the south block face of Auburn Avenue between Airline Street and Randolph Street. The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

Site

The lot in question fronts about 45' on Airline Street and is about 43' deep on the south property line and 56' deep on the north property line. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed house has in

inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'

The proposed driveway / parking pad is located on the south side of the house. It extends about 10' past the front façade of the house. To avoid parking in the front yard, which is not permitted by the District regulations, the Staff recommends the driveway extend at least 20' past the front façade of the house.

There is not walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extent from the front porch stairs to the public sidewalk.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

There are no fences or walls proposed for the property.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is about 5' higher than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

Overall Design and Massing

As noted above, the block selected features one contributing house, which is a one-story, hipped roof bungalow. The proposed two story house has a hipped roof, with two small dormers (one facing the side and one facing the rear), and a full width, two-level front porch. Notwithstanding the non-compliant height noted above, the Staff finds that architecturally the proposed house has the full width front porch and hipped roof form in common with the house at 603 Auburn Avenue.

Architectural Elements

In looking at the doors, windows, siding, trim, and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of closed end to the brick stairs. The Staff would recommend that the front stairs have closed ends.

The Staff is also concerned about the lack of windows on the right side elevation and the size of the windows that are included both of which create large sections of blank wall which is not compatible with the contributing house on the block face and the District in general. In addition, the Staff is concerned about the windows and doors on the front façade. In particular, the Staff finds that the two very small, square windows and French doors on the second level are not compatible with 603 Auburn Avenue or the District as a whole. It is also not clear what type and size light divisions might or might not be proposed for the front façade windows. Lastly, the rear façade, paired windows do not include trim between the window units. The Staff would recommend that the number of windows, their size, light divisions, trim, and their spacing be revised to be consistent and compatible with the contributing house on the block.

The Staff would further recommend that the French doors to the second level porch be removed from the design.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, cementitious siding, stucco foundation, and a stucco chimney are compatible with the District. However, it is not clear the material of the front door, front porch floor, and finish of the siding. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

Lastly, the Staff would note that no left side elevation was included in the submission. The Staff would recommend that a left side elevation be submitted to the Staff for review.

CA3-13-348

Staff Recommendations: Based upon the following:

- a) The variance request does not meet the requirements, per Section 16-20C.003, .004. and .005;

Staff recommends denial of an Application for a Type III Certificates of Appropriateness (CA3-13-350) for a variance to reduce rear yard setback from 10' (required) to 7' (proposed) at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

CA3-13-347

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends deferral of an application for a Type III Certificates of Appropriateness (CA3-13-350) for a new single family house at **66 Airline Street** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline to allow time for the Applicant to address the following concerns:

1. The front yard setback of the house shall be 2.7', per Section 16-20C.005(3)(a);
2. The driveway shall extend at least 20' past the front façade of the house, per Section 16-20C.003(11);
3. A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.009(6);
4. The height of the house shall be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations, per Section 16-20C.005(3)(b);
5. The front stairs shall have closed ends, per Section 16-20.009(6);
6. The number of windows, their size, light divisions, trim, and their spacing shall be revised to be consistent and compatible with the contributing house on the block, per Section 16-20.009(6);
7. The French doors to the second level porch shall be removed from the design, per Section 16-20.009(6);
8. The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20.009(6);
9. A left side elevation shall be submitted to the Staff for review; and
10. Unless the Applicant pursues the variance option outlined in Condition #4 which has its own submission deadline associated with it, the Applicant shall provide to the Staff revised plans and supporting documentation at least eight (8) days prior the Commission meeting to which this application is deferred.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 22, 2014

Agenda Item: Applications for Type III Certificates of Appropriateness (CA3-13-352) for a variance to reduce both side yard setbacks from 7' (required) to 4' (proposed) and (CA3-13-353) for a new single family house at **615 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline.

Applicant: Monica Woods
2814 Oxford Drive, Decatur

Facts: This is currently a vacant, generally rectangular lot that is located on the south side of Auburn Avenue, one lot to the west of the corner with Airline Street. This is the second to last property on Auburn Avenue in the District. Across Auburn Avenue are newer homes that are not in the District, to the east across Airline Street is property associated with Studioplex. Immediately to the west is a modern / contemporary house recently finished and next to that is the only contributing house on the block face.

Analysis: The following code sections apply to this application:

Per Section 16-20.007 of the Atlanta Land Development Code, as amended:

- (a) When Required, Generally: In addition to other permits which are required pursuant to any city ordinance, and in addition to any certificate of appropriateness which may be required pursuant to any other landmark or historic building, site or district regulation contained in part 16 of the Codes of Ordinances, certificates of appropriateness shall, unless provided otherwise in the detailed regulations governing Landmark or Historic Districts contained within a designation ordinance as provided in section 16-20.006 of the Code of Ordinances, be required for any of the following actions within each of the following categories:
 - (3) Landmark Districts:
 - b. To erect any new structure or to make an addition to any structure within a Landmark District.

Per Section 16-20C.003:

The following regulations shall apply to the entire Landmark District inclusive of all subareas. All rehabilitation, restoration or new construction shall require a certificate of appropriateness from the Atlanta Urban Design Commission (AUDC). All proposed development shall conform to the following regulations:

- (1) Regulations shall be minimum standards which must be followed and shall be applied by the AUDC.
- (2) The AUDC shall further adopt and maintain guidelines that shall extend the intent of these regulations, further define elements of architectural style, and shall further ensure the compatibility of future developments within this HC district.
- (3) The power to hear, grant or deny variances and special exceptions from these regulations shall rest with the AUDC.

- (4) Procedure for variance: Upon a determination by the AUDC that an application for renovation or new construction is in conflict with these regulations and/or the guidelines, the AUDC shall institute procedures for public notification and public hearing as are specified similarly for the board of zoning adjustment (section 16-26.001). Notification shall include any government or nonprofit institution which has legitimate interest in the historic integrity of this Landmark District.
- (5) The compatibility rule: In general the intent of the regulations and guidelines structures and new construction are compatible with the design, scale and general character of the entire district, of each subarea, and of the immediately adjacent environment of a particular block. To further that intent and simultaneously retain flexibility, the regulations provide a "compatibility rule" which is: The element in question (roof form, architectural trim, building setback, etc.) shall match that which predominates on that block; or where quantifiable (i.e. building height, setback etc.), the average of all structures of like use in that block shall be adhered to. The rule shall apply as it is noted in these regulations and guidelines by reference to the "compatibility rule."
- (8) Secretary's guidelines: In addition to specific standards listed herein, the Secretary of the Interior's Standards for Historic Preservation Projects Part 1 shall be a part of these regulations and shall be applied by the AUDC.
- (11) Off-street parking:
 - a. Off-street parking shall not be permitted in the front yard of a lot used for residential purposes.
 - b. Off-street parking shall be permitted in the side and/or rear yard of a lot used for residential purposes.

Per Section 16-20C.005 – Residential District Sub-area 2:

In addition to the general regulations required in section 16-20C.003, the following regulations shall apply to any new development, rehabilitation or the conversion of any existing structures to permitted uses within the residential district subarea.

These regulations are intended to preserve the character and scale of the residential environment as it existed during the historic period of the Martin Luther King, Jr. Landmark District. These regulations are intended to ensure that permitted uses will maintain the historic integrity of the subarea and the district as a whole.

(1) Permitted principal uses:

- a. Single-family dwellings.

(3) Development controls:

- a. All front, side and rear yard setbacks shall be established through utilization of the compatibility rule on block-by-block basis. A variance of five percent (5%) may be allowed. All new construction shall maintain a minimum of seven (7) feet for side yard setback and 10 feet for rear yard setbacks where the compatibility rule would permit otherwise.
- b. Maximum height: The compatibility rule shall apply with variance up to 10 percent permitted.

Per Section 16-20.009. Further standards.

In deciding individual applications for certificates of appropriateness, the commission shall be guided by the purposes set forth in section 16-20.001, by findings contained in ordinances designating buildings and sites for protection, by purposes and objectives which are contained within individual Landmark and Historic District regulations, and by findings contained in reports prepared in support of Landmark and Historic District regulations as are required in article D of chapter 4 of part 6. Furthermore, in considering whether to grant approval, conditional approval or denial of an application for a type II or type III certificate of appropriateness, the commission shall apply the following standards:

- (1) Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure or site and its environment.
- (2) The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
- (4) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object or site shall be kept where possible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (6) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

- (7) Wherever possible, new additions or alterations to buildings, structures or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure or site would be unimpaired.
- (8) Considerations on proposed moving of structures, in whole or in part, shall include the effect on the neighborhood from which the move is made. In general, where the structure forms a significant part of a complex of similarly meritorious buildings, preference shall be given to relocation on a site elsewhere in the district. Where the structure does not form part of such a complex, preference shall be given to removal to a location in which the addition will reinforce existing complexes of buildings of significant historic, architectural and/or cultural character.

Per Section 16-26.003:

- (1) Findings Required: Except as permitted by the provisions of subsection (2) below, variances may be granted by the board only upon making all of the following findings:
 - (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
 - (b) The application of the Zoning Ordinance of the City of Atlanta to this particular piece of property would create an unnecessary hardship;
 - (c) Such conditions are peculiar to the particular piece of property involved; and
 - (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Zoning Ordinance of the City of Atlanta.

Variances

The Applicant requested a variance to reduce both side yard setbacks from 7' (required) to 4' (proposed).

The Staff would concur with the Applicant's variance argument. While there are certainly lots in the District that are similar in size, if the setbacks were kept at the required 7', the house would become too thin for the size of lot it is located. That is, larger and wider homes are generally located on wider, larger lots and smaller homes are located on thinner, smaller lots.

However, it is not clear from the to-scale site plan included with the submission if the setbacks of the house would in fact be 4' on both sides of the house. The footprint of the house appears slightly askew from the side property lines and less than 4' on the right side yard. The Staff would recommend the site plan accurately reflect 4' side yard setbacks for the entire length of each side facade.

There is a chimney on the left side elevation that encroaches 1' 8" into the setback. Per general City zoning regulations, chimneys cannot encroach more than 20" into the setback. The proposed chimney encroachment meets the general City zoning regulation encroachment allowance.

The Staff would recommend approval of the side yard and Airline Street setback requests.

Compatibility Rule Comparisons

The Applicant's compatibility rule analysis chart includes building height and front yard setback as measured to the porch. The chart includes three addresses: 597, 603 and 605 Auburn Avenue. The compatibility rule analysis should be based on the contributing buildings of like use on the block. In this case, the compatibility rule chart has included a religious building (597) and a non-contributing building (605). There is only one contributing building of like use (a house) at 603 Auburn Avenue. Though not included in the chart, the Applicant also refers to the houses across Auburn Avenue, which are not located in the District and even if they were in the District would be non-contributing. Taken all together, the Staff finds that only 603 Auburn Avenue is an allowable point of comparison for the compatibility rule and the design analysis.

Site

The lot in question fronts 28' on Auburn Avenue and is about 72' deep, not taking into account the triangular tip at the rear. Per regulations, the front yard setbacks are based on the compatibility rule which requires that the "average ... shall be adhered to". The front yard setback information is based on a measurement to the front porch, which for the one contributing house is 2.7'. The Staff would note that 603 Auburn Avenue has full width front porch. The proposed house has an inset front porch. As such, the setback of the proposed house must be 2.7'. The Staff recommends the front yard setback of the house be 2.7'.

The proposed driveway / parking pad is located in the triangular rear portion of the lot. The parking pad is accessed through a driveway that passes through 619 Auburn Avenue. Given that off-street parking is not required in the District there is no requirement for an independent driveway connected to a public street. The parking location meets the District regulations.

There is not walkway shown from the front porch stairs to the public sidewalk. The Staff would recommend that a walkway extend from the front porch stairs to the public sidewalk.

The Staff would note that lot coverage and floor area ratio is not regulated in this subarea.

There are no fences or walls proposed for the property.

Building Height

Per the District regulations, the maximum height for new construction is based on the compatibility rule with an allowed 10% differential. For the one contributing building on the block, the height is listed in the compatibility rule chart as 20.8' making the maximum height allowed 22.88'. It is not clear where and how the height measurement was taken. Nonetheless, the proposed height is about 4' higher than the allowed height based on the correct application of the compatibility rule. The Staff recommends the height of the house be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations.

Overall Design and Massing

As noted above, the block features one contributing house, which is a one-story, hipped roof bungalow. The proposed 1.5-story house has a front to back gable, with two large dormers that engage the side facades of the house, and a full width front porch. In addition to the non-compliant height noted above, the Staff finds that architecturally the proposed house only has the full width front porch in common with the house at 603 Auburn Avenue. Even while there are front-facing gable houses in the District with full-width, one-story front porches, 603 Auburn Avenue is a hipped roof house. Further, the Staff is concerned about the use of knee walls to add height to the second story and the size of the dormers (which essentially extend the side façade higher another ½ story) make the house incompatible with the house at 603 Auburn. Further, second level knee walls and dormers of this design and size are not typical of contributing houses in the District. The Staff would recommend the design be revised to be consistent and compatible with the contributing house on the block.

Architectural Elements

In looking at the doors, windows, siding, trim, and chimney, the Staff generally finds that they meet the District regulations. The Staff is concerned about the lack of closed end to the brick stairs. The Staff would recommend that the front stairs have closed ends.

Further, the Staff is concerned about the lack of windows on the right side elevation and the size of the windows that are included both of which create large sections of blank wall which is not compatible with the contributing house on the block face and the District in general. The Staff would recommend that the number of windows, their size, and their spacing be revised to be consistent and compatible with the contributing house on the block.

Materials

In looking at the materials, the Staff generally finds that they meet the District regulations. Wood trim, smooth face cementitious siding, brick and stucco foundation, and a stucco chimney are compatible with the District. However, it is not clear the material of the porch columns, front door, and front porch floor. Further, on the site plan the driveway material is not specified. The Staff would recommend the Applicant clarify all of the exterior materials and site work materials, and all such materials meet the District regulations.

CA3-13-348

Staff Recommendations: Based upon the following:

- a) The variance request meets the requirements, per Section 16-20C.003, .004. and .005;

Staff recommends approval of an Application for a Type III Certificates of Appropriateness (CA3-13-352) for a variance to reduce both side yard setbacks from 7' (required) to 4' (proposed) and reduce the Airline Street setback from 7' (required) to 1.5' (proposed) at **615 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline with the following condition:

1. The site plan shall accurately reflect 4' side yard setbacks for the entire length of each side facade.

CA3-13-347

Staff Recommendations: Based upon the following:

- a) The plans meet the regulations, with the exceptions noted in the above analysis, per Section 16-20C.003, and .005;

Staff recommends deferral of an application for a Type III Certificates of Appropriateness (CA3-13-351) for a new single family house at **615 Auburn Avenue** - Property is zoned Martin Luther King, Jr. Landmark District (Subarea 2)/Beltline to allow time for the Applicant to address the following concerns:

1. The front yard setback of the house shall be 2.7', per Section 16-20C.005(3)(a);
2. A walkway shall extent from the front porch stairs to the public sidewalk, per Section 16-20.009(6);
3. The height of the house shall be no taller than 22.88' or the Applicant apply for a variance to exceed the District regulations, per Section 16-20C.005(3)(b);
4. The design shall be revised to be consistent and compatible with the contributing house on the block, per Section 16-20.009(6);
5. The front stairs shall have closed ends, per Section 16-20.009(6);
6. The number of windows, their size, and their spacing shall be revised to be consistent and compatible with the contributing house on the block, per Section 16-20.009(6);
7. The Applicant shall clarify all of the exterior materials and site work materials, and all such materials meet the District regulations, per Section 16-20.009(6); and
8. Unless the Applicant pursues the variance option outlined in Condition #3 which has its own submission deadline associated with it, the Applicant shall provide to the Staff revised plans and supporting documentation at least eight (8) days prior the Commission meeting to which this application is deferred.



CITY OF ATLANTA

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JAMES SHELBY
Commissioner

CHARLETTA WILSON JACKS
Director, Office of Planning

STAFF REPORT January 22, 2014

Agenda Item: Review and Comment (RC-14-008) on renovations at 3101 Roswell Road (Charlie Loudermilk Park) - Property is zoned SPI-9, Subarea 1).

Applicant: Buckhead community Improvement District / Jim Durrett
3340 Peachtree Road

Facts: Charlie Loudermilk Park is located at the intersection of Peachtree Road and Roswell Road in the Buckhead Village area; the northern boundary of the triangular park is created by Sardis Way. In general the park grade rises from south to north with informal plantings and lawn surrounding a central, round plaza space. The current park contains the “Storyteller” sculpture which will be removed and stored for future use in public art initiatives. This sculpture is not owned by the City of Atlanta.

The renovations will result in a complete redesign to the park. The key components of the renovated park include the following (from north to south): bell tower, outdoor dining area, large maple tree (existing), open lawn, Loudermilk statue, water feature, outdoor dining, and a landscaped area for the installation of future public art. The public art and Loudermilk sculpture are not designed yet. The design and elevations of the bell tower included in the submission are conceptual. As such, the public art, Loudermilk sculpture, and bell tower will have to return to the Commission at a future date for a review and comment on those specific proposals.

Analysis: The following code sections apply to this application:

Per Section 6-4043 of the Atlanta City Code:

- (4) The commission shall review the proposed location and design of any proposed park and any plan or proposal for the relocation or significant change, alteration or addition to any existing park.
- (5) The Commission shall review the proposed location and design of buildings, bridges, viaducts, elevated ways, streets, high-ways, gates, fences, railings, lamp standards, and other structures or fixtures to be erected or placed on land belonging to the city, or on any private or public property which extends over or upon any property or right-of-way owned or controlled by the city.
- (7) The commission shall review the alteration, demolition, movement or construction of any structure, site or building which involves the use of capital expenditures by the City of Atlanta or capital expenditures by other public agencies or authorities which are required to submit plans for review by the city.

The Staff finds that the redesign of the park will create a more structured, if not more formal, space with more articulated zones within the park. The Staff supports the use of the dining areas and water feature to activate and animate the space. Further, the Staff supports the visual presence and visual weight for the park that will likely be created by the bell tower, public art installation, and to some degree the Loudermilk sculpture. The Staff also supports the use of natural and “true to form” materials that are typically durable and sustainable.

The Staff does have some comments and recommendations, though.

First, the Staff is a bit concerned about the amount of hardscape on the site. While there are five planting beds and the central lawn, there is a significant amount of paving and walks throughout the park. While the Staff appreciates the need for accessibility and internal connections, it would appear that some of the walkways could be made slightly thinner to increase the amount of lawn and planting areas. The Staff is not concerned about impervious surface per se, as it assumes best management practices will be used for all storm water and runoff control needs, but rather an interest in providing significant contrast to a commercial area that has few unpaved and un-built areas.

Second, the Staff is concerned about the design of the bell tower. Though the Staff acknowledges that the bell tower design is still conceptual, it is concerned that it is too “traditional” in appearance in an otherwise contemporarily designed park.

Third, the Staff finds that there should be slightly more of a visual buffer between the broad steps along Roswell Road and the lawn area, and Peachtree Road. The Staff is concerned that when people are seated on the steps or lawn and look to the east towards Peachtree Road they will be looking slightly up at vehicles going by and would to some degree be looking at the bottom of vehicles going by. Breaking this potential visual connection could be accomplished by thickening and heightening the plantings within the Peachtree Road planting strip. This would also increase the perceived separation between southbound vehicles in the curve and pedestrians on the adjacent sidewalk.

Third, the Staff would recommend that the public art to be installed at the southern tip of the park be monumental in size. Given the length of the view shed looking north up Peachtree Road, the proposed public art needs to be significant enough in size to terminate that view shed. Further, a large piece of public art would create balance to the bell tower at the northern end of the park. To help increase the visibility of the public art from the south the Staff would recommend that the two most southern trees be smaller varieties or be moved to the north, or the public art pad be moved farther south.

Fourth, the Staff is concerned about the drainage in and around the crosswalk connections and ADA ramps. In particular, the Staff is concerned that at the northeast corner of the park, water running down the west side of Peachtree Street will wash over and/or pool significantly at that location making the pedestrian connection unusable.

Lastly, it is not clear to the Staff if there are any trash cans, streetscape benches, or bike racks provided in the park.

Staff Recommendation: Staff recommends that the Commission confirm that it has delivered its comments at the Commission meeting on Review and Comment (RC-14-008) on renovations at 3101 Roswell Road (Charlie Loudermilk Park).